

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

JORDAN WYCKOFF, DARWIN COX,
Individually and on Behalf of All Those
Similarly Situated,

Plaintiff,

v.

OFFICE OF THE COMMISSIONER OF
BASEBALL, an unincorporated association
doing business as MAJOR LEAGUE
BASEBALL; ALLAN H. SELIG; ROBERT
D. MANFRED, JR.; KANSAS CITY
ROYALS BASEBALL CORP.; MIAMI
MARLINS, L.P.; SAN FRANCISCO
BASEBALL ASSOCIATES LLC; BOSTON
RED SOX BASEBALL CLUB L.P.;
ANGELS BASEBALL LP; CHICAGO
WHITE SOX LTD.; ST. LOUIS
CARDINALS, LLC; COLORADO ROCKIES
BASEBALL CLUB, LTD.; THE BASEBALL
CLUB OF SEATTLE, LLLP; THE
CINCINNATI REDS, LLC; HOUSTON
BASEBALL PARTNERS LLC; ATHLETICS
INVESTMENT GROUP, LLC; ROGERS
BLUE JAYS BASEBALL PARTNERSHIP;
CLEVELAND INDIANS BASEBALL CO.,
L.P.; CLEVELAND INDIANS BASEBALL
CO., INC.; PADRES L.P.; SAN DIEGO
PADRES BASEBALL CLUB, L.P.;
MINNESOTA TWINS, LLC;
WASHINGTON NATIONALS BASEBALL
CLUB, LLC; DETROIT TIGERS, INC.; LOS
ANGELES DODGERS LLC; LOS ANGELES
DODGERS HOLDING COMPANY LLC;
STERLING METS L.P.; ATLANTA
NATIONAL LEAGUE BASEBALL CLUB,
INC.; AZPB L.P.; BALTIMORE ORIOLES,
INC.; BALTIMORE ORIOLES, L.P.; THE
PHILLIES; PITTSBURGH ASSOCIATES,
L.P.; NEW YORK YANKEES P'SHIP;
TAMPA BAY RAYS BASEBALL LTD.;
RANGERS BASEBALL EXPRESS, LLC;
RANGERS BASEBALL, LLC; CHICAGO
CUBS BASEBALL CLUB, LLC;
MILWAUKEE BREWERS BASEBALL
CLUB, INC.; MILWAUKEE BREWERS
BASEBALL CLUB, L.P.,

Defendants.

Case No. 1:15-cv-05186-PGG

Hon. Paul G. Gardephe

CLASS ACTION

**DECLARATION OF
ADAM M. LUPION, ESQ.
IN SUPPORT OF DEFENDANTS'
REPLY MEMORANDUM TO
MOTION TO DISMISS**

I, Adam M. Lupion, Esq. declare as follows:

1. I am a Partner at Proskauer Rose, LLP, counsel for the Defendants OFFICE OF THE COMMISSIONER OF BASEBALL, an unincorporated association doing business as MAJOR LEAGUE BASEBALL; ALLAN H. SELIG; ROBERT D. MANFRED, JR.; KANSAS CITY ROYALS BASEBALL CORP.; MIAMI MARLINS, L.P.; SAN FRANCISCO BASEBALL ASSOCIATES LLC; BOSTON RED SOX BASEBALL CLUB L.P.; ANGELS BASEBALL LP; CHICAGO WHITE SOX LTD.; ST. LOUIS CARDINALS, LLC; COLORADO ROCKIES BASEBALL CLUB, LTD.; THE BASEBALL CLUB OF SEATTLE, LLLP; THE CINCINNATI REDS, LLC; HOUSTON BASEBALL PARTNERS LLC; ATHLETICS INVESTMENT GROUP, LLC; ROGERS BLUE JAYS BASEBALL PARTNERSHIP; CLEVELAND INDIANS BASEBALL CO., L.P.; CLEVELAND INDIANS BASEBALL CO., INC.; PADRES L.P.; SAN DIEGO PADRES BASEBALL CLUB, L.P.; MINNESOTA TWINS, LLC; WASHINGTON NATIONALS BASEBALL CLUB, LLC; DETROIT TIGERS, INC.; LOS ANGELES DODGERS LLC; LOS ANGELES DODGERS HOLDING COMPANY LLC; STERLING METS L.P.; ATLANTA NATIONAL LEAGUE BASEBALL CLUB, INC.; AZPB L.P.; THE PHILLIES; PITTSBURGH ASSOCIATES, L.P.; NEW YORK YANKEES P'SHIP; TAMPA BAY RAYS BASEBALL LTD.; RANGERS BASEBALL EXPRESS, LLC; RANGERS BASEBALL, LLC; CHICAGO CUBS BASEBALL CLUB, LLC; MILWAUKEE BREWERS BASEBALL CLUB, INC.; MILWAUKEE BREWERS BASEBALL CLUB, L.P., ("collectively, "Defendants") in the above-caption action.

2. I have knowledge of the facts set forth herein, and if called upon as a witness thereto, I could do so competently under oath.

3. Attached hereto as Exhibit 1 is a true and correct copy of a letter from Plaintiffs' counsel on which I was copied, dated November 5, 2015.

4. Attached hereto as Exhibit 2 is a true and correct copy of my email to Plaintiffs' counsel on November 5, 2015 in response to his November 5 letter.

I declare under penalty of perjury under the laws of the State of New York that the foregoing is true and correct and that this declaration was executed on December 23, 2015 in New York, New York.

/s/ Adam M. Lupion

Adam M. Lupion